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**R592. Insurance, Title and Escrow Commission.** (Effective 7-19-06)**R592-3. Filing a Schedule of Minimum Charges for Escrow Services.****R592-3-1. Authority.**

This rule is promulgated by the Title and Escrow Commission pursuant to Section 31A-2-404.

**R592-3-2. Purpose and Scope.**

(1) The purpose of this rule is to set forth the procedures for filing a Schedule of Minimum Charges for Escrow Services pursuant to Section 31A-19a-209.

(2) This rule applies to all title insurers, agencies and producers providing escrow services in Utah.

**R592-3-3. Required Documents.**

(1) The department requires that the documents described in this rule shall be used for all filings. Actual copies may be used or you may adapt them to your word processing system. If adapted, the content, size, font, and format must be similar.

(2) The following filing documents are available on the department's web site, <http://www.insurance.utah.gov/RF-Flgs.html>.

(a) "Schedule of Minimum Charges for Escrow Services;"

(b) "Transmittal Document for Title Agency or Title Producer."

**R592-3-4. Definitions.**

In addition to the definitions of Sections 31A-1-301, 31A-2-402, and 31A-19a-102, the following definitions shall apply for the purpose of this rule:

(1) "Certification" means that a filing being submitted is in compliance with the Utah Insurance Code.

(2) "File and Use" means a filing can be used, sold, or offered for sale after it has been filed with the department.

(3) "File Before Use" means a filing can be used, sold, or offered for sale after it has been filed with the department and a stated period of time has elapsed from the date filed.

(4) "Filer" means a person or entity who submits a filing.

(5) "Order to Prohibit Use" means an order issued by the commissioner that forbids the use of a filing.

(6) "Rejected" means a filing is:

(a) not submitted in accordance with Utah laws and rules;

(b) returned to the filer by the department with the reasons for rejection; and

(c) not considered filed with the department.

**R592-3-5. General Filing Information.**

(1) Each filing submitted must be accurate, consistent, complete, and contain all required documents in order for the filing to be processed in a timely and efficient manner. The commissioner may request any additional information deemed necessary.

(2) Insurers and filers are responsible for assuring compliance with Utah laws and rules. Filings not in compliance with Utah laws and rules are subject to regulatory action under Section 31A-2-308.

(3) Charges, supplementary information, and forms applying to a specific

program or product may be submitted as one filing.

(4) A filing that does not comply with this rule will be rejected as incomplete and returned to the filer. A rejected filing is not considered filed with the department.

(5) Prior filings will not be researched to determine the purpose of the current filing.

(6) The department does not review or proofread every filing.

(a) A filing may be reviewed:

(i) when submitted;

(ii) as a result of a complaint;

(iii) during a regulatory examination or investigation; or

(iv) at any other time the department deems necessary.

(b) If a filing is reviewed and is not in compliance with Utah laws and rules, an ORDER TO PROHIBIT USE will be issued to the filer. The commissioner may require the filer to disclose deficiencies in forms or rating practices to affected consumers.

(7) Filing correction.

(a) No filing transmittal is required when clerical or typographical corrections are made to a filing previously filed if the corrected filing is submitted within 30 days of the date "Filed" with the department. The filer will need to reference the original filing.

(b) A new filing is required if the clerical or typographical corrections are made more than 30 days after the filed date of the original filing. The filer will need to reference the original filing.

(8) Filing withdrawal. A filer must notify the department when the filer withdraws a previously filed form, charge, or supplementary information.

#### **R592-3-6. Filing Requirements.**

(1) Only an individual who is authorized to act on behalf of the insurer, agency or producer can submit a filing.

(2) A complete filing consists of the following documents submitted in the following order:

(a) Utah Transmittal Document for Title Agency or Title Producer; and

(b) Schedule of Minimum Charges for Escrow Services;

(3) Description of Filing. The filer must:

(a) indicate whether the filing is new, amending or replacing a previous filing, or contains charges that have been previously filed and are included for informational purposes;

(b) describe the filing and the purpose of the filing in detail in the Filing Description section of the transmittal; and

(c) if the filing is amending or replacing a previous filing:

(i) provide a detailed description of the changes; and

(ii) highlight the changed provisions.

(4) Transmittal Document for Title Agency or Title Producer. The entire transmittal form must be properly completed.

(5) Schedule of Minimum Charges for Escrow Services.

(a) An initial Schedule of Minimum Charges for Escrow Services filing is a file and use filing.

(b) A revised Schedule of Minimum Charges for Escrow Services filing is a use and file filing and is effective:

(i) thirty calendar days after the revised Schedule of Minimum Charges for Escrow Services is filed; or

- (ii) a date specified by the filer that is later than 30 calendar days after the revised Schedule of Minimum Charges for Escrow Services is filed.
- (6) Return Notification Materials.
  - (a) Return notification materials are limited to:
    - (i) a copy of the transmittal; and
    - (ii) a self-addressed, stamped envelope.
  - (b) Notice of filing will not be provided unless return notification materials are submitted.
  - (c) Any extra information will be discarded.
- (7) Certification.
  - (a) The filer must certify that a filing has been properly completed AND is in compliance with Utah laws and rules.
  - (b) A filing will be rejected if the certification is missing or incomplete.
  - (c) A certification that is inaccurate may subject the filer to administrative action.

**R592-3-7. Correspondence, Inquiries, and Responses.**

- (1) Correspondence. When corresponding with the department, provide sufficient information to identify the original filing:
  - (a) type of filing;
  - (b) date of filing;
  - (c) date of prior correspondence; and
  - (d) a copy of the original transmittal.
- (2) Status Checks. A filer can request the status of its filing by telephone, or email 60 days after the date of submission.
- (3) A Response to an Order must include:
  - (a) a response cover letter identifying the changes made;
  - (b) a copy of the prohibition letter;
  - (c) a copy of the revised documents; and
  - (d) return notification materials, which consist of a copy of the response cover letter and a self-addressed stamped envelope.
- (4) Rejected Filings.
  - (a) A filing that is rejected is NOT considered filed.
  - (b) If resubmitted it is treated as a new filing. If a filing has been previously rejected, include a copy of the rejection form returned to the filer with the original filing.

**R592-3-8. Penalties.**

A person found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

**R592-3-9. Enforcement Date.**

The commissioner will begin enforcing this rule 90 days from the rule's effective date.

**R592-3-10. Severability.**

If any provision of this rule or the application of it to any person or circumstance is for any reason held to be invalid, the remaining provisions to other persons or circumstances shall not be affected.

**KEY: title escrow filings**

**Date of Enactment or Last Substantive Amendment: July 19, 2006**

## **Authorizing, and Implemented or Interpreted Law: 31A-2-404**

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